

No. 19 / 2012

CIRCULAR

In view of the judgement of Hon'ble Supreme Court of India in the matter of **SUO MOTO W.P.(Cri.) No. 122 of 2011, Ram Lila Maldan incident dated 4/5.06.2011 Versus Home Secretary, Union of India & Others**, the following directions are issued: -

1. Whenever an officer/Executive Magistrate/Police Officer of the rank of ACP or above issues an order u/s 144 Cr.PC, it should be well reasoned and justified. It must be ensured that all the facts have been considered and brought on record, so that it is a speaking order. The order must be issued only after proper application of mind and considering all the facts and circumstances of the case placed before the officer concerned.
2. The Hon'ble Supreme Court has held in the order "*Section 144 Cr.PC deals with immediate prevention and speedy remedy. Therefore, before invoking such a provision, the statutory authority must be satisfied regarding the existence of the circumstances showing the necessity of an immediate action. The sine qua non for an order under Section 144 Cr.PC is urgency requiring an immediate and speedy intervention by passing of an order. The order must set out the material facts of the situation. Such a provision can be used only in grave circumstances for maintenance of public peace. The efficacy of the provision is to prevent some harmful occurrence immediately. Therefore, the emergency must be sudden and the consequences sufficiently grave.*"
3. Whenever any arrangement is issued for maintenance of law & order in connection with big assemblies/gathering, it must be ensured that a proper dispersal plan is also envisaged in the arrangement order, to ensure orderly, peaceful and smooth dispersal of the crowd from the place of assembly. In the written undertaking submitted by the Organizers to the local police/DCP/Addl. CP of the District concerned, it must also be taken in writing that "**The organizer(s) will cooperate in carrying out the lawful orders passed by any competent Court/Authority/Forum at any stage of the commencement of an agitation/dharna/procession and/or period during which the permission granted is enforced, whenever the police officers direct the organizers/participants to leave the premises, it will be the responsibility of organizers along with the participants to leave the premises without delay and without making and protest. They must leave the premises peacefully in shortest possible time.**"
4. Proper drill should be followed for dispersal of crowd. Use of any kind of force for dispersing a crowd should be preceded by proper warnings such as announcements from a Public Address System or Loud Hailers, proper display of Banners etc. declaring the assembly unlawful and directing the crowd to disperse. Sensitization of staff at all levels should be ensured by the Supervisory staff through repeated briefings, training, roll calls etc. The S.O. No. 72/2009 must be strictly adhered to by all field officers.

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In various law and order arrangements, it has been observed that the police party comes under attack by brick batting, pelting of stones by the protestors. Subsequently, police personnel too resort to brick batting, which totally illegal, not desirable and unwarranted. Under no circumstances shall the police personnel resort to brick batting/stone pelting etc. In such situations, the police party must strategically retreat to safer locations, re-organize, call for reinforcements, make new strategies and then advance in a systematic manner to control the unruly crowd/protestors with minimum use of force.

6. All procedural requirements for implementing the orders under Section 144 Cr.PC should be complied with by the police officials on duty before dispersal of unlawful assembly.

[Signature]

(B. K. GUPTA)

COMMISSIONER OF POLICE:
DELHI

No. 1891-1900 /Record Branch/PHQ dated Delhi, the 16/03/2012

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